

Express Mail No. EV343589980US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: DAVID L. BATH ET AL.

FILED: CONCURRENTLY HEREWITH

FOR: METHOD AND APPARATUS FOR  
INSTALLING AND ACTUATING MOVABLE  
AIRFOILS, INCLUDING CANARDS

**Information Disclosure Statement Within Three Months of  
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. \_\_\_\_\_:

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

- ☐ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
  - ☐ All cited references
  - ☐ References marked by ampersands
  - ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

- ☐ Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
  - ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or
  - ☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any

individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

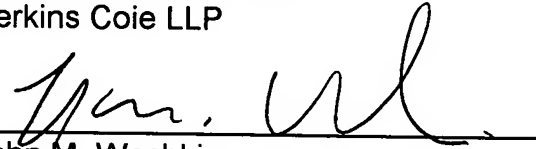
- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

6. Items AM and AO-AS

Cite Nos. AM and AO-AS represent aircraft configurations in public use more than one year prior to the priority date of the present application.

Date: Oct. 20, 2003

Respectfully submitted,  
Perkins Coie LLP

  
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John M. Wechkin  
Registration No. 42,216

Correspondence Address:  
Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Form PTO-1449 (Modified) (Use several sheets if necessary)				<b>COMPLETE IF KNOWN</b>	
				Application Number	
				Confirmation Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket No. 03004.8075US1	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	AA					
	AB					
	AC					

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
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OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	AF	Dryden Flight Research Center EC98 44749-24, Photographed September 1998 (1 page) <a href="http://www.dfrc.nasa.gov/Gallery/Photo/TU-144LL/Small/EC98-44749-24.jpg">http://www.dfrc.nasa.gov/Gallery/Photo/TU-144LL/Small/EC98-44749-24.jpg</a> [Accessed 10/7/03]	
	AG	Dryden Flight Research Center ED96 43549-2, Photographed March 17, 1996 (1 page) <a href="http://www.dfrc.nasa.gov/Gallery/Photo/TU-144LL/Small/ED96-43549-2.jpg">http://www.dfrc.nasa.gov/Gallery/Photo/TU-144LL/Small/ED96-43549-2.jpg</a> [Accessed 10/7/03]	
	AH	Super70s.com, "Konkordski": The Tu-144, Copyright 2002 (4 pages) <a href="http://www.super70s.com/Super70s/Science/Transportation/Aviation/TU-144.asp">http://www.super70s.com/Super70s/Science/Transportation/Aviation/TU-144.asp</a> [Accessed 10/7/03]	
	AI	North American History, "XB-70A First Flight: 1964," (3 pages) <a href="http://www.boeing.com/history/bna/xb70.html">http://www.boeing.com/history/bna/xb70.html</a> [Accessed 9/18/03]	
	AJ	Niu, Michael C.Y., "Airframe Structural Design, Practical Design Information and Data on Aircraft Structures," Chapter 10 (pages 358-369), Copyright 1988 Conmilit Press, Ltd., Hong Kong	
	AK	Roskam, Dr. Jan, "Airplane Design, Part II: Preliminary Configuration Design and Integration of the Propulsion System," (5 pages), Copyright Roskam Aviation and Engineering Corporation, Ottawa, Kansas, First Printing: 1985	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	

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				Application Number	
				Confirmation Number	
				Filing Date	Concurrently Herewith
				First Named Inventor	David L. Bath
				Group Art Unit	
Examiner Name					
Sheet	2	of	2	Attorney Docket No.	03004.8075US1

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	AL	TIMKEN, Bearings, Comparing Other Bearing Types (19 pages), Copyright 2002 <a href="http://www.timken.com/products/bearings/fundament/compare.asp">http://www.timken.com/products/bearings/fundament/compare.asp</a> [Accessed 6/26/02]	
	AM	Rockwell International, B-1, AF-1 Test Specimen (1 page)	
	AN	Flight, F-15, Reed Business Publishing Group, David Hatchard, Sutton 1991 (1 page)	
	AO	F-15 Diagram (2 pages)	
	AP	F-18, Fuselage Section – Assembly of Aft Structure (1 page)	
	AQ	F-18, The Boeing Company, Figure 3, Test Fixture (1 page)	
	AR	F-18, The Boeing Company, Figure 2, Stabilator FT69 Test Article (Ref. E/F End Item Dwg 74T062133) (1 page)	
	AS	F-18 Diagram (3 pages)	

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